

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
Huntington Division**

**CASIE JO MCGEE and SARAH  
ELIZABETH ADKINS; JUSTIN  
MURDOCK and WILLIAM GLAVARIS;  
and NANCY ELIZABETH MICHAEL and  
JANE LOUISE FENTON,  
individually and as next friends of A.S.M.,  
minor child,**

**Plaintiffs,**

**v.**

**Civil Action No. 3:13-CV-24068  
Honorable Robert Chambers**

**KAREN S. COLE, in her official capacity as  
CABELL COUNTY CLERK; and VERA J.  
MCCORMICK, in her official capacity as  
KANAWHA COUNTY CLERK,**

**Defendants.**

**DEFENDANT KAREN S. COLE AND DEFENDANT VERA J. MCCORMICK'S JOINT  
MOTION TO STRIKE PLAINTIFFS' "NOTICE OF SUPPLEMENTAL AUTHORITY  
IN OPPOSITION TO DEFENDANTS MCCORMICK AND COLE'S MOTIONS TO  
DISMISS" [DOCKET ENTRY # 44]**

**COME NOW**, Defendants Karen S. Cole, by counsel, and Defendant Vera J. McCormick, by counsel, and hereby move this Court to strike from the record Plaintiffs' "Notice of Supplemental Authority in Opposition to Defendants McCormick and Cole's Motions to Dismiss" [docket entry #44], as such a filing is not ordinarily permitted and are never permitted without first seeking leave of Court, which Plaintiffs failed to seek and be granted such leave, thereby making it unauthorized.

**WHEREFORE**, based on the reasoning set forth above, as well as in the contemporaneously filed "Memorandum of Law", these Defendants pray this Court will enter an Order striking Plaintiffs' "Notice of Supplemental Authority in Opposition to Defendants McCormick and Cole's Motions to Dismiss" from the record, as well as all other relief deemed just and proper.

**Respectfully submitted,**

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**Defendants.**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of foregoing “DEFENDANT KAREN S. COLE AND DEFENDANT VERA J. MCCORMICK’S JOINT MOTION TO STRIKE PLAINTIFFS’ “NOTICE OF SUPPLEMENTAL AUTHORITY IN OPPOSITION TO DEFENDANTS MCCORMICK AND COLE’S MOTIONS TO DISMISS” [DOCKET ENTRY # 44]” was served upon the following parties through the Court’s Electronic Case Filing (ECF) system on this day, Friday, January 03, 2014:

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